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SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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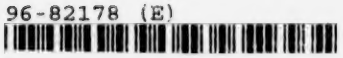

The meeting was called to order at 3 p.m.

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(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. HOEY (Ireland), speaking on behalf of the European Union, the Czech Republic and Slovakia on sub-items 110(b) and (c), said that the United Nations, through the Charter, the International Bill of Human Rights and other international instruments, had played a crucial role in making human rights a defining element in the system of international law which had developed over the past 50 years.

2. The international community currently faced the challenge of living up to the commitments made in the Vienna Declaration and Programme of Action with a view to ensuring full enjoyment of all human rights and fundamental freedoms by every individual. However, there was clearly a disparity between the commitments set out in the document adopted in Vienna and other relevant human rights instruments, and violations of human rights throughout the world.

3. The Vienna Conference was a continuing process which marked a renewed effort to end those violations. Intolerance of any kind sowed the seed for violations of the human rights guaranteed by the International Bill of Human Rights.

4. Those violations seldom happened in isolation, nor were those rights merely an abstract legal concept; they were central to the dignity of the human person. The victims of human rights violations were too often the most vulnerable, who were least able to defend themselves or draw attention to their plight. It was easy to treat violations in the abstract, but it was important to remember that real individuals were involved.

5. The European Union was concerned about the continued violations of the human rights of women, including rape, sexual violence and many religious and traditional practices harmful to women and the girl child. States had an obligation to promote and protect all the human rights of women, including sexual and reproductive rights. It was therefore important that the United Nations should further develop the human rights mechanism, in particular by applying a gender perspective throughout the system, notably in the work of the special rapporteurs. The human rights of women must be integrated into the mainstream of human rights activities if commitments entered into in Vienna and Beijing were to be honoured.

6. The search for a consensus on human rights questions was important, but should not delay the examination and addressing of abuses and violations of human rights as and wherever they occurred.

7. It had been made clear at Vienna that democracy provided the best defence for the human rights of the individual, but there were no grounds for complacency: human rights violations also took place in democracies, and such States must take all the steps necessary to prevent and address violations of human rights within their own borders.

8. All States must also take action to prevent the development of impunity, and the establishment of a permanent international criminal court would help to address that problem.

9. The international community had benefited from the willingness of the special rapporteurs of the Commission on Human Rights to investigate and report on thematic human rights issues and specific country situations. They played a constructive role and enhanced the work of the General Assembly and the Commission on Human Rights. Incidents where States had appeared to threaten the safety of special rapporteurs were alarming. It was essential that the latter should receive the widest possible support, and that all States should cooperate fully with them in their work.

10. He welcomed the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/51/457), and encouraged all Governments and the United Nations to take effective measures in order to combat those phenomena.

11. The European Union wished to pay tribute to defenders of human rights who committed themselves, under difficult circumstances, to the protection and promotion of human rights. It also called on all States to grant access to non-governmental organizations dealing with humanitarian and human rights questions. States that violated human rights should not be able to hide behind a veil of state sovereignty or a shroud of secrecy. Both the Charter and the Universal Declaration of Human Rights provided the international community with a mandate to address all human rights violations wherever they occurred.

12. Some situations were of particular concern to the European Union, such as that in various States of the former Yugoslavia. All parties should do their utmost to improve the human rights situation there and comply with the human rights provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina. Existing law should be implemented in order to prevent human

rights violations, and human rights legislation should be introduced where necessary. The European Union wished to remind all parties that progress in the field of human rights would be an important element in the further development of their relations with the Union.

13. He welcomed the fact that elections had taken place in Bosnia and Herzegovina in September 1996. It was vital that those who had been elected moved quickly to establish common institutions, with particular emphasis on human rights. He urged all parties to cooperate in order to ensure the full implementation of the Constitution of Bosnia and Herzegovina. The local elections should take place as soon as practicable in free and transparent conditions. Parties should facilitate the voluntary and safe return of the refugees and displaced persons.

14. The human rights situation in other areas of the region was also of concern. It was vital that all parties cooperated fully with the International Criminal Tribunal for the former Yugoslavia, particularly in handing over persons indicted by it. All those who had violated international humanitarian law or committed crimes against humanity must be brought to justice. The European Union would continue to monitor the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

15. The European Union called for the full respect of the human rights of all Cypriots, and supported Security Council resolution 1062 (1996). The recent violence and the disproportionate use of lethal force against unarmed civilians was deplorable. The European Union was ready to cooperate fully with the good offices mission of the Secretary-General and all other efforts to bring about a peaceful solution.

16. Human rights violations in Turkey, including arbitrary arrests, detention and torture, as well as extrajudicial executions and enforced disappearances, continued to give rise to concern. He therefore welcomed the Turkish Government's recent statement that it would introduce further human rights reforms, and the fact that representatives of the Council of Europe had recently been able to visit Turkey. Dates for future visits of special rapporteurs should also be agreed.

17. He welcomed the peace agreement in Chechnya and called for every effort to be made to achieve a lasting settlement. The authorities should ensure that humanitarian relief organizations could perform their work unhindered.

18. Progress towards a resolution of the conflict in Georgia was slow. The parties should make every effort to achieve a settlement by negotiated and peaceful means, and ensure full respect for human rights. He welcomed the establishment of the United Nations/Organization for Security and Cooperation in Europe (OSCE) human rights office, which could play an important role in promoting and protecting human rights in that country.

19. The conflict in Tajikistan had had a serious impact on human rights there and had displaced thousands of people. All parties should work to resolve the conflict and achieve national reconciliation.

20. The European Union was very concerned by the situation of human rights in Algeria and by the repeated terrorist attacks, including murder and sexual violence, against the civilian population and against journalists. He hoped that stability and peace would finally prevail as the result of the democratic process begun in November 1995.

21. He stressed the need for Israel and the Palestinian Authority to promote compliance with the basic norms of democracy in the areas under their control. Israel should respect the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Respect for human rights and the promotion of democratic institutions were essential in order to maintain the peace process, and would strengthen the foundations of Palestinian self-rule. In seeking ways to improve the human rights situation in the Palestinian territories, cooperation with the Special Rapporteur was of key importance.

22. The human rights situation in Saudi Arabia was of grave concern to the European Union, particularly continuing denials of civil and political rights and violations of the human rights of women. There continued to be shortcomings in the administration of justice there, and reports of detention without trial, the torture of detainees and of other inhuman treatment or punishment. There were serious obstacles to the enjoyment of freedom of religion and expression. He called upon the Saudi authorities to cooperate fully with United Nations human rights bodies.

23. The systematic denial of human rights in Iraq had resulted in an all-pervasive order of repression and oppression, and nothing had been done to improve its appalling human rights record. He deplored the regime's acts of oppression in northern Iraq, and was dismayed by the near annihilation of the community of the southern marsh area. He condemned the continuing denial of civil and political rights, and called on Iraq to abide by all the obligations under the international instruments to which it was a party and cease all human rights violations immediately. It must grant full access to the United Nations human rights machinery, particularly the Special Rapporteur appointed by the Commission on Human Rights.

24. He welcomed the visits to the Islamic Republic of Iran of the Special Representative and of the Special Rapporteur on religious intolerance. Nevertheless, the situation had deteriorated during the past year. The Iranian system for the administration of justice gave rise to concern, and violations of freedoms of expression and religion continued, as did discrimination against religious minorities. The Special Rapporteur had reported grave breaches of the human rights of the Baha'is, and inadequate protection for other religious minorities. The Government should respect the rights of Iranian dissidents living abroad, and end harassment of their families in the country. The Government should take measures to eliminate all discrimination against women and ensure their full and equal enjoyment of human rights.

25. The fatwa threatening the life of Salman Rushdie was a blatant breach of international law, contrary to the Universal Declaration of Human Rights and the principle of the sovereignty of States. The European Union would continue its efforts to obtain from the Government of the Islamic Republic of Iran acceptable written assurances that the life of Salman Rushdie would not be endangered under any circumstances.

26. The European Union fully supported the efforts of the United Nations and the Organization of African Unity (OAU) to promote reconciliation in the Great Lakes region of Africa. The refugee crisis had its origins in massive human rights violations, and posed a major threat to the human rights of the many thousands displaced by the conflict.

27. The deteriorating humanitarian situation in eastern Zaire threatened regional and international efforts aimed at securing peace and stability in the region as a whole. All refugees and displaced persons must be permitted to return in safety and dignity. He welcomed the appointment of a special envoy of the Secretary-General to the Great Lakes region, with whom the European Union's special envoy would work closely in an effort to resolve the situation.

28. The mandate given by the Security Council for the establishment of a temporary multinational force was welcome. There was an urgent need for an international conference on peace, security and development in the Great Lakes region under United Nations/OAU auspices.

29. The European Union was deeply concerned about the situation in Burundi, and fully supported all those working to overcome the crisis. Recent moves towards the restoration of Parliament and a political system were encouraging. He urged all political forces, including representatives of civil society, to engage in constructive political dialogue and commit themselves to work towards a negotiated solution. He welcomed the Government's readiness to accept an increased number of human rights observers in the country.

30. Tensions in Rwanda continued to generate a climate hostile to the enjoyment of human rights. Of particular concern were the lack of a functioning impartial judicial system and inhuman conditions of detention. He urged the Government to increase its efforts to create conditions conducive to the voluntary return of refugees, and supported the call by the United Nations High Commissioner for Refugees for the Human Rights Field Operation in Rwanda to be reinforced, in order to enhance the return and security of refugees. In view of the continuing difficulties in ensuring the financing of that operation, he called upon all States to contribute, and also to work for lasting solutions to its financing problems through the United Nations regular budget.

31. The law which differentiated criminal responsibility for the genocide was welcome, and the European Union supported the efforts of the International Criminal Tribunal for Rwanda to bring to justice those responsible for human rights violations.

32. The European Union continued to be concerned about the human rights situation in Zaire, in particular the impunity enjoyed by the army and the security forces, and called on the authorities to uphold the framework and timetable for the transition to democratic rule, including the holding of free and fair elections. It welcomed the establishment of a United Nations human rights office in Kinshasa.

33. Human rights continued to be violated in Nigeria. A number of potentially positive developments had included the interim response of the Nigerian Government to the recommendations of the fact-finding mission of the United Nations Secretary-General, the resumption of dialogue with the Commonwealth, the

release of a number of political prisoners and the establishment of a Commission on Human Rights. However, the pace and manner of the transition to democratic rule continued to give rise to concern.

34. The authorities in Abuja should guarantee the enjoyment of human rights by all, and return Nigeria to the rule of an elective civilian government as soon as possible; release all political prisoners and those arbitrarily detained; give full cooperation to the relevant mechanisms of the Commission on Human Rights, and comply with the International Covenants on Human Rights, to which Nigeria was party. It was unfortunate that the two thematic Special Rapporteurs had been unable to visit Nigeria prior to the current session of the General Assembly.

35. With regard to Liberia, he urged all opposing factions to disengage, disarm and demobilize their combatants. All child soldiers must be immediately removed from situations of conflict and arrangements made for their reintegration into civil society. Strict implementation of the new Abuja Agreement was essential in order to bring about peace, reconciliation and a substantive improvement in human rights. The European Union fully supported the proposed imposition of sanctions by the Economic Community of West African States against those who obstructed the implementation of the Abuja Agreement.

36. He welcomed the end of hostilities and the successful transition to democratic rule in Sierra Leone, and called on all parties to conclude a peace agreement which should include effective human rights safeguards. Suggestions that a blanket amnesty would be offered to many who had committed grave violations of human rights were disturbing, as that would ensure continued impunity.

37. The European Union repeated its condemnation of the coup d'état in Niger and expressed concern at the manner in which the presidential elections of July 1996 had been conducted. It urged the authorities to restore elected civilian democratic rule and to respect fully the human rights of all its people.

38. Serious human rights violations continued in the Sudan, and the Government continued to use inhumane methods in the hostilities in the south. Many similar violations of humanitarian law were committed by other parties to the hostilities. All parties should work to ensure full respect for human rights and humanitarian law. Ethnic and religious minorities such as the Nuba people and opposition groups continued to suffer from the Government's discriminatory measures.

39. He therefore welcomed the fact that the Government had permitted the Special Rapporteur to visit the country, albeit during his visit it had been made clear to him that the political agenda of the Government would not change. He recalled the Commission's recommendation that human rights monitors should be placed in the Sudan as a matter of priority, and looked forward to the Special Rapporteur's next report. International observers should be allowed unimpeded access to areas where there were reports of disappearances and slavery.

40. It was regrettable that the presidential elections held in Equatorial Guinea in February 1996 had provided no guarantees of the required freedom of

transparency. The Government should respect human rights and guarantee the freedom of movement, speech and association to opposition parties.

41. In Afghanistan, indiscriminate attacks on civilian targets by the warring factions had led to many serious human rights violations and breaches of international humanitarian law. The European Union called for an immediate cessation of the hostilities and exhorted the leaders of all Afghan parties to renounce the use of force.

42. Discrimination against women was being carried out by all parties in Afghanistan. Recent actions by the Taliban had deprived women of their economic, social, civil and political rights, including the right to work, education, health and welfare. No form of discrimination against women or the girl child was acceptable, and he therefore called on all parties to act in accordance with international human rights standards and ensure respect for the human rights of all Afghans, irrespective of gender.

43. The efforts of the United Nations and its special mission to achieve a negotiated and comprehensive solution to the Afghan conflict which would ensure full respect for human rights deserved every support. He urged all parties to cooperate fully with the United Nations, and called on third countries to refrain from interfering in the conflict and supplying weapons to the warring factions.

44. Continuing violations of human rights and of humanitarian law in Kashmir were a matter of concern. Continued access for non-governmental organizations was essential in order to ensure respect for human rights, and only constructive, inclusive dialogue could lead to a solution that would ensure lasting respect for those rights.

45. In Myanmar, torture, arbitrary executions, forced labour, abuse of women, political arrests, forced displacements of the population and restrictions on the freedoms of speech, movement and assembly were routinely practised by the State Law and Order Restoration Council (SLORC). Many supporters of the National League for Democracy (NLD) had been detained, and others sentenced for political activities. Aggression had been committed against Daw Aung San Suu Kyi and unacceptable restrictions placed upon her. The authorities must ensure her full freedom of movement, exercise maximum restraint and guarantee safety, liberty and free expression to all those undertaking normal political activities in support of democracy.

46. SLORC should immediately and unconditionally release all political prisoners. The only way to bring about national reconciliation and democratic reform was for SLORC to enter into meaningful dialogue with NLD and other legitimate political parties and representatives of ethnic groups.

47. The European Union was not satisfied with the response of SLORC to its call for a satisfactory explanation of the circumstances surrounding the death in custody of Mr. James Leander Nichols, and repeated its call for an investigation into his death by the newly appointed Special Rapporteur. The continuing refusal of SLORC to cooperate with the Special Rapporteur was unacceptable, and both he and the Working Group on Arbitrary Detention of the Commission on Human Rights should be allowed full access to the country immediately.

48. The Sri Lankan Government's commitment to improving its human rights record was welcome. He called upon the Government and Tamil Eelam to work towards a negotiated settlement to the conflict.

49. A grave human rights situation prevailed in East Timor. While recalling the common position defined by the Council of the European Union in June 1996, the European Union called on the Indonesian Government to adopt measures with a view to significantly improving that situation, in particular by fully implementing the relevant decisions of the United Nations Commission on Human Rights. The human rights situation in Indonesia itself, and attempts to frustrate the activities of political groups, trade unions and the media, also gave rise to concern.

50. The legislative reforms in China, which should increase protection for the human rights of defendants in the criminal justice process, were welcome. Economic reforms had improved living conditions for many people and increased their enjoyment of economic and social rights. However, serious violations of human rights and fundamental freedoms such as the sentencing of Wang Dan continued to take place, raising justifiable concern about China's commitment to the rule of law.

51. Its use of the death penalty in disregard of international legal safeguards and even for nonviolent crimes was deplorable, and "Reeducation through labour" and other forms of administrative detention were unacceptable. The practice of arbitrary detention, the torture and ill-treatment of prisoners, and aspects of the judicial system continued to be of concern, but reform measures were encouraging.

52. The European Union regretted the Chinese Government's continuing restrictions on the freedoms of expression, association and religion, and called on it to respect the rights of individuals to peaceful expression of their political views. It deplored the Government's failure to protect the ethnic, cultural, religious and linguistic identity of Tibetans and persons belonging to minorities.

53. China's continuing cooperation with the rapporteurs of the Commission on Human Rights was welcome, but he called upon China to become a party to the International Covenants on Human Rights.

54. The increasing number of political prisoners of conscience in the Democratic People's Republic of Korea and the authorities' continued imposition of imprisonment solely on account of the exercise of freedom of expression had been noted with concern. The degree of official control over information and restrictions on freedom of movement and the practice of "reeducation through labour" were disturbing. The Government's grave and repeated violations of the 1953 armistice agreement were inconsistent with the search for a lasting peace.

55. Cuba continued to resist full implementation of civil and political rights, thereby denying its people full enjoyment of their human rights, and hampering efforts to implement economic and social reforms. The European Union called upon Cuba to begin the democratization process, and to release all prisoners detained for their political views or for actions taken in order to promote human rights. The harassment of groups such as Concilio Cubano which sought to

promote and protect human rights should cease. He urged Cuba to cooperate with the Special Rapporteur and other United Nations human rights mechanisms.

56. Despite the improvement in the human rights situation in Haiti, the European Union was concerned by the continuing climate of impunity, and he urged the Government to ensure that all those responsible for human rights violations were brought to justice.

57. The European Union deplored continuing human rights abuses in Colombia, including extrajudicial executions, enforced disappearances and the torture of prisoners. He noted the Government's cooperation with the Commission on Human Rights and its acceptance of the terms of reference for the establishment of a human rights centre in Colombia, and urged the authorities in Bogota to step up implementation of all the recommendations of the Commission on Human Rights, and end the climate of impunity.

58. The European Union had consistently made clear its commitment to respect for human rights and democratic principles, and demonstrated its willingness to take appropriate measures in response to serious and persistent violations of human rights or interruptions of the democratic process. It was committed to the implementation of measures to raise awareness of and promote human rights and democracy, and believed it could make a valuable contribution to the work of the United Nations human rights bodies.

59. Mr. MINOVES-TRIQUELL (Andorra) welcomed the reference in the report of the High Commissioner (A/51/36) to human rights education, particularly for children; the latter should be treated as a priority, to avoid passing on to them the mistakes of their elders. They were impressionable and in danger of assimilating intolerant ideas. His Government had taken steps to establish a human rights education programme in schools, and was hoping to collaborate with other countries, particularly developing countries, in that field.

60. Another matter of great importance to Andorra was the strengthening of the rule of law. As a small State, Andorra looked forward to a greater role for the International Court of Justice.

61. Mr. LILLO (Chile), speaking on sub-items 110 (d) and (e), thanked the High Commissioner for Human Rights for his excellent report (A/51/36). The High Commissioner had described a disquieting global situation in the field of human rights, reflecting an arduous task, particularly in response to human rights aspects of humanitarian crises. The report had also highlighted other aspects such as dialogue and cooperation with Governments, and the important work of the Office of the High Commissioner in the areas of prevention, technical cooperation, the right to development and human rights education. The scale of the task illustrated once more the significance of the General Assembly's decision to create the position of High Commissioner for Human Rights; it had provided a focus for the Organization's worldwide efforts to promote and protect human rights on the basis of the guidelines and principles set out at the Vienna Conference. His Government reiterated its full support for the work of the High Commissioner and for the restructuring that he had begun in 1995. Under his leadership, that restructuring would help in preventing human rights violations. It was to be hoped that the same process would also focus increased attention on important issues such as that of indigenous populations.

62. The task of the High Commissioner required the fullest possible political support from the international community, but above all, sufficient resources must be provided for a successful outcome. It would be extremely regrettable if in 1998, when the international community would commemorate the fiftieth anniversary of the Universal Declaration of Human Rights and the fiftieth anniversary of the Vienna Conference, it were to be concluded that the hoped-for success had suffered a major setback due to the shortage of resources. Politically, that would be an indefensible mistake, and ethically, an unforgivable failure.

63. Mr. RODRÍGUEZ PARRILLA (Cuba) said that selective practices, political manipulation and lack of objectivity continued to characterize the debate on human rights. Some sought to turn that noble cause into the instrument of a policy that sought to reduce the diversity of life and of social behaviour and to standardize society and the individual by using allegedly universal models. In a world of pluralism, diversity among nations should be respected. It was absurd and unfair to try to impose a single model as a straitjacket.

64. The Government of the United States of America, year after year, forced the Committee to engage in an absurd and sterile exercise against Cuba. That policy of hostility was expressed in the manipulation of mechanisms designed to protect and promote human rights. Using its powerful mass media, the United States spread bogus arguments to justify its criminal policy against Cuba and to disguise its double standards, lack of ethics, and domestic policy goals. Without that aggressive policy, there would not be a so-called situation of human rights in Cuba or a so-called Special Rapporteur who was unscrupulous and lacked independence.

65. Cuba had achieved one of the most complete health systems in the developing world, done away with illiteracy, provided its people with education and guaranteed them the fullest freedom and dignity, both individual and collective, in a democracy based on the direct participation of the people without political intermediaries. His Government did not intend to erect its modest experience into a doctrine or turn its society into a pattern for anyone. It simply called for respect. His delegation did not make long speeches or lists of offending countries; if it were to do so, it could mention some of those who had criticized Cuba during the current debate.

66. In the United States, plans were still being made to sabotage the Cuban economy; armed groups which carried out acts of terrorism against Cuban citizens were still training with total impunity; Cuban territory was still being violated, civil aircraft were being hijacked, and there were still attempts to assassinate Cuban leaders. Despite that hostile policy, one of the main premises of the Cuban social process had been the strict observance of the principle of the rule of law. No one could accuse Cuba of using torture, of having missing persons, political assassination, extrajudicial executions, or of imposing sanctions not provided for by its legislation. It was true that the country's laws were in some cases specific to its exceptional situation and its constant battle for survival. No country permitted the presence of organized groups that jeopardized the existing democratic system, particularly if they were fostered and organized with funds from a declared foreign enemy. No honest person would confuse those groups, supported and financed by the United States, with a legitimate opposition. They were mercenaries, not dissidents.

67. Cuba had a civil society in constant development. Besides official organizations, there were thousands of non-governmental organizations participating in the daily democratic exercise and in the enjoyment, development and defence of human rights. In Cuban society there was a wide diversity of opinions, and even criticism of the country's institutional life. His Government was not against change; change had been a major feature in Cuba's revolutionary social process. Cuba would continue to move ahead, strengthen its economy, protect its socialist democracy, and guarantee its people's enjoyment of every human right. Cuba was building a society where humanism, solidarity, and respect for full dignity for all flourished.

68. Cuba would continue to cooperate as a responsible member of the community of nations. Throughout its history, it had proved that it respected itself too much to act under duress. Its continued ability to resist was due to its reserves of talent and creativity, and because the Government had the support and trust of the overwhelming majority of the people, thanks to a policy of permanent consultation which had brought about a broad consensus. If it was necessary to give explanations and express remorse in order to condemn a super-Power's aggression against a whole people and defend one's one sovereignty from extraterritorial laws, it should be with decency and with at least a minimum of faithfulness to the truth.

69. Mr. LAVROV (Russian Federation) said that, since the adoption of General Assembly resolution 48/155 on the situation of human rights in Estonia and Latvia, although some steps had been taken, on the whole, the situation was still cause for grave concern. More than 1 million permanent residents of those countries - more than 300,000 in Estonia and more than 700,000 in Latvia - were deprived of their nationality and status of national minority. The provision of the Universal Declaration of Human Rights concerning the right of everyone to a nationality was being deliberately ignored. Estonian and Latvian legislation set forth numerous substantive differences between the rights of citizens and non-citizens. The document submitted by the Russian Federation on the situation of human rights in Latvia and Estonia (A/C.3/51/13) provided specific examples of the results of such policies.

70. Having considered the reports of Estonia and Latvia on the implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee had expressed concern that a significantly large segment of the population in those countries, particularly members of the Russian-speaking minority, was unable to obtain citizenship because of numerous legislative and bureaucratic restrictions. Approximately one third of the potential electorate in those States was deprived of the right to vote and to be elected on the basis of universal and equal suffrage. The Latvian Parliament had recently once again rejected amendments to the law on elections to local government bodies designed to give non-citizens the right to vote and to be elected to municipal bodies, thus depriving hundreds of thousands of taxpayers of the right to participate in the country's political life.

71. The provisions of the International Covenant on Economic, Social and Cultural Rights were also being undermined in Estonia and Latvia. Under the Estonian law on privatization, only permanent residents had the right to privatize their housing units and more than 300,000 non-citizens who had been permanently residing there were denied that right. A similar situation existed

in Latvia. His delegation had just received a list with the names of about 600 persons who had been denied, under various pretexts, registration as residents of Latvia. They had either been born in that country or had lived there throughout their adult lives. There was serious concern that the policies of Estonia and Latvia with regard to persons classified as non-citizens were designed to change the ethnic balance and create societies composed of a single ethnic group. During the period from 1991 to 1996, more than 100,000 people had had to leave Estonia and more than 75,000 had had to leave Latvia against their wishes.

72. The Russian Federation was consistently seeking in its bilateral dialogue with Latvia and Estonia to ensure fair treatment for hundreds of thousands of those countries' residents and was willing to use any form of dialogue to stop the discriminatory policies directed against them. The United Nations, which had done so much to eradicate discrimination on the basis of birth and national origin, must not permit any recurrence of such dangerous phenomena on the European continent, particularly when the steps taken by the regional mechanisms involved had proved to be clearly inadequate. His delegation could not accept the view that the problem of the human rights situation in Estonia and Latvia should be discussed exclusively in European regional structures, and it excluded any selective approach to human rights problems. Attempts to separate international and regional systems for protecting human rights were artificial; both systems should be complementary and mutually supportive.

73. He had the impression that many delegations felt that they lacked information about the true situation concerning human rights in Estonia and Latvia. Particular responsibility in that regard rested with the High Commissioner for Human Rights, one of whose major functions was to provide Member States with complete and objective data on situations in countries. In view of the voluminous documentation prepared by the High Commissioner on human rights problems in individual States, his response to General Assembly resolution 48/155 gave rise to puzzlement. The limited information provided had been considered sufficient to deal with a problem involving more than 1 million people. The Office of the High Commissioner and the Centre for Human Rights, however, had at their disposal considerable information provided by non-governmental organizations and individuals on mass discrimination and human rights violations in Estonia and Latvia. Accordingly, his delegation was of the view that the High Commissioner had clearly disregarded his obligations in that case.

74. The Russian Federation believed that an objective approach to the human rights problems in Estonia and Latvia would prevail in the Committee and would be submitting a draft resolution on that question aimed at ensuring that the human rights situation in those countries was in keeping with generally recognized international standards. He hoped that such a non-confrontational approach would make it possible to adopt the draft resolution by consensus, as had been the case with General Assembly resolution 48/155.

75. Mr. BOHAYEVSKY (Ukraine) said that the international protection and promotion of human rights could be effective only if it was based on the principle of the indivisibility and equal value of all human rights, civil, cultural, economic, political and social. Improved coordination of human rights activities within the United Nations system was a key element directly related

to the further promotion of human rights and fundamental freedoms. The importance of the Centre for Human Rights as a coordinating body should be given greater emphasis; it should establish a capacity to prepare and follow up coordination activities and promote the undertaking of joint studies and the provision of advisory services and technical assistance. It was important to define clearly the medium- and long- term priorities of the Centre's activities and to strengthen its role in advancing innovative approaches. Ukraine fully supported the High Commissioner in the restructuring of the Centre and his efforts to improve the effectiveness of United Nations human rights machinery. The Centre's new structure would provide a functional framework for the integrated and consolidated activities of relevant United Nations agencies. The coordinated functioning of human rights bodies would help to avoid duplication and to monitor more effectively compliance with international standards.

76. The international system for the protection of human rights and fundamental freedoms, however perfect it might be, could not succeed without adequate efforts at the national level. The Government of Ukraine was making considerable efforts to bring national legislation into line with international norms. Within a short period of time, Ukraine had laid the foundations of a State based on the rule of law and the principles of democracy. A new Constitution had been adopted in June 1996, but it was clear that that was not sufficient to build a genuine democratic society. The full implementation of its provisions in the peoples' everyday life was a major challenge. Priority would be given to legal and constitutional education, monitoring the implementation of and compliance with the Constitution and international treaties, bringing national law into line with the Constitution and with international treaties, and the codification of domestic legislation. Since Ukraine had joined the Council of Europe, accession to regional human rights instruments had also become a priority.

77. All those tasks were of special significance for Ukraine, and for other countries in transition, and would facilitate the creation of modern and effective systems for the protection of human rights. Ukraine was also reforming its judicial system to ensure that the courts would act as a mechanism to protect the law and guarantee its supremacy in public life. Full implementation of those and other measures would enable the Government to narrow the gap between national legislation and international human rights standards.

78. His Government was deeply concerned at violations of human rights, especially during armed conflicts, which particularly endangered civilian populations. There was an urgent need to strengthen monitoring of the observance of rules of international humanitarian law as well as other generally recognized human rights standards during armed conflicts. Preventive measures should be at the heart of human rights activities. Recent events had demonstrated that there was a dangerous tendency to neglect basic human rights. Preventive diplomacy should address not only political and economic problems but also human rights issues.

79. The United Nations was often ill-equipped to deal with the human rights aspects of conflict, since it lacked the necessary resources. His delegation believed that the Secretary-General could play a more active role, and should in some cases bring human rights violations to the attention of the Security Council as matters which could threaten international peace and security.

80. His delegation attached great importance to the activities of human rights treaty bodies. States must assume greater responsibility for the fulfilment of their international commitments. Despite the complexities of its transition, Ukraine spared no effort to fulfil its international commitments in the field of human rights. The presentation of four periodic reports to treaty bodies in 1995 and 1996 were examples of those efforts. Ukraine had recommended to the treaty bodies that they should pursue a more balanced approach during their consideration of periodic reports and information presented by States.

81. The realities of a changing world required the elaboration of appropriate international norms and mechanisms which would facilitate the settlement of new problems, and help to avoid the creation of situations which could threaten peace and stability. The Commission on Human Rights should pay more attention to such issues as the protection of human rights in emergency situations, and to the elaboration of criteria which would exclude free interpretation of the right to self-determination. The United Nations had not yet exhausted all available means for ensuring the international protection and promotion of human rights. The international community should look for new ideas and methods to prevent the most serious human rights violations and to strengthen the role of the United Nations in that very important area.

82. Mr. WANG Xuexian (China) noted that 1996 marked the tenth anniversary of the adoption of the Declaration on the Right to Development. That right was of great importance to the promotion and protection of human rights and had been widely recognized by the international community, thanks to the efforts of developing countries. The Vienna Declaration and Programme of Action had reaffirmed the right to development as an integral part of fundamental human rights. However, it had not yet been given due attention by the international community, and the goals set out in the Declaration were far from being attained.

83. Numerous Asian, African and Latin American countries, while having won independence long ago, still remained confronted with various economic difficulties, and some had yet to provide adequate food and clothing for their people. There was still a very big gap between the North and the South. In developing countries, nearly one third of the population lived in abject poverty and more than 10 million people died of hunger or malnutrition every year. The current irrational and unjust international economic order was a major obstacle to the realization of the right to development. Developed countries were duty-bound to remove such obstacles, but some of them were reducing their official development assistance or attaching political strings to it. The international community, particularly developed countries, should take concrete actions to create an international environment conducive to development in developing countries, thus making useful contributions to the realization of the right to development.

84. His delegation agreed that appropriate restructuring of the Centre for Human Rights was necessary. However, it should be carried out on the basis of extensive deliberation and consensus, in accordance with the relevant General Assembly resolutions. The right to development should be fully reflected in that restructuring.

85. It was a lofty objective of the peoples of all countries to enjoy full human rights. Unfortunately, that objective had been distorted by the malpractice of certain countries in politicizing human rights and pursuing double standards. China was of the view that to promote sound international cooperation in the field of human rights, it was imperative to do away with such practices and to adhere to the principle of respect for State sovereignty. Only when that principle was observed could results be achieved in the work of the United Nations in the field of human rights.

86. Cooperation must be based on equality and mutual respect. Adopting a presumptuous, arrogant and biased approach to the question of human rights, pursuing double standards or politicizing the issue in a deliberate attempt to provoke political confrontation would harm the promotion and protection of those rights. While every country was obliged to promote and protect the rights and freedoms of its citizens, it was necessary to bear in mind the particularities of each country and region. As countries differed in their social system, ideology, cultural tradition, level of development and historical background, their priorities in promoting and protecting human rights would inevitably differ. States should adopt an approach of tolerance, and should respect such particularities. The practice of forcing on other countries the model approved by one or a few States could not be successful.

87. Civil and political rights, economic, social and cultural rights, and the right to development were interrelated and interdependent; it was unacceptable to emphasize the realization of one right while ignoring that of others.

88. In the 47 years since the founding of new China, the Chinese Government had attached great importance to the promotion and protection of human rights and fundamental freedoms, and had achieved tremendous success. Old China had been a semi-colonial country that had allowed itself to be trampled upon, invaded, exploited and oppressed by foreign Powers. New China had become an equal member of the international community and its people had become the masters of their country. Living standards had improved remarkably, the average lifespan was over 70, and the illiteracy rate was lower than 12 per cent. Democracy and the legal system had been greatly improved, and people exercised their right to administer the country through people's congresses at various levels.

89. The Chinese Government and people were deeply proud of their achievements, and, while they did not see their human rights situation as perfect, China was in no way inferior to those who proclaimed themselves as human rights teachers. China was ready to strengthen cooperation and exchanges with United Nations human rights bodies as well as other countries on the basis of equality and mutual respect; it had made and would continue to make unremitting efforts to that end. China strongly opposed interference in its internal affairs and political confrontation on the question of human rights. It also opposed any attempt to create chaos and secession in China to sabotage the country's social stability, national unity and territorial integrity.

90. The CHAIRMAN drew attention to draft resolution A/C.3/51/L.32 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and said that Kyrgyzstan had joined the sponsors of the draft resolution.

91. Mr. CAMARA (Mexico), speaking on behalf of the sponsors, introduced draft resolution A/C.3/51/L.32 and said that Peru had joined the sponsors. The draft resolution, inter alia, called upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, requested the Secretary-General to provide all assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights, and invited United Nations agencies and intergovernmental and non-governmental organizations to intensify their efforts with a view to promoting understanding of the Convention. The sponsors hoped the draft resolution would be adopted without a vote.

92. Mr. BAALY (Algeria), speaking in exercise of the right of reply, said that it was strange to see how certain States took it upon themselves to apportion blame to some countries and certificates of good behaviour to others, encourage some countries to continue their march towards democracy and vilify others which had not heeded their warnings, while forgetting about certain dictatorships and feudal regimes for reasons that were well known to all. Algeria had freely committed itself to a vast process of democratization in the political, economic and social fields in accordance with the profound aspiration of the Algerian people and would complete the process in the manner that it had chosen. His country had decided to build a democratic society where every citizen could participate responsibly in the administration of the country's affairs and its development because that had been the sovereign choice of the Algerian people.

93. Algeria was waging its struggle for democracy in extremely difficult conditions, having to confront the forces of fundamentalist terrorism seeking to impose by means of violence and bloodshed a retrograde and obscurantist model of society, which the people had courageously rejected in the 1995 elections. Terrorism was a threat to all the countries of the world, including Algeria's neighbours and partners in the North, and could be defeated only if all countries made determined efforts to confront that danger. The Algerian people was determined to eliminate that threat and to preserve the security and stability of all countries in the region, including their neighbours in the North.

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued) (A/C.3/51/L.17/Rev.1 and L.19)

Draft resolution A/C.3/51/L.17/Rev.1 on violence against women migrant workers

94. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/51/L.17/Rev.1, which did not contain any programme budget implications.

95. Mrs. LIMJUCO (Philippines), speaking on behalf of the sponsors, introduced draft resolution A/C.3/51/L.17/Rev.1 on violence against women migrant workers and said that Egypt, Fiji, Kyrgyzstan, Nigeria, Sri Lanka and Uruguay had joined the sponsors. After pointing out a number of editorial revisions to the text, she underscored the need to provide protection to women migrant workers, who constituted a highly vulnerable group. The draft resolution set forth a number of measures to deal with the question of violence against them.

96. Draft resolution A/C.3/51/L.17/Rev.1 was adopted.

Draft resolution A/C.3/51/L.19 on improvement of the status of women in the Secretariat

97. The CHAIRMAN said that the draft resolution had no programme budget implications.

98. Mr. BALL (New Zealand), speaking on behalf of the CANZ countries - namely Canada, Australia and New Zealand - and the other sponsors, announced that Andorra, Côte d'Ivoire, Ghana, Iceland, Jamaica, Japan, Kazakstan, Kenya, The former Yugoslav Republic of Macedonia, Singapore and the United States had joined the sponsors.

99. He read out a series of revisions made at the time of the draft introduction of the draft resolution, and a number of additional revisions. In paragraph 6, the words "training and" should be inserted before the word "implementation". In paragraph 7, the words ", from within existing resources," should be deleted. While the CANZ countries had been willing to accede to requests by a number of delegations in the case of draft resolution A/C.3/51/L.19, similar requests regarding subsequent draft resolutions would be considered on a case-by-case basis. In the new paragraph which had been inserted after paragraph 8 as an oral revision when the draft resolution had been introduced, the words ", consistent with Article 101 of the United Nations Charter," should be added after "Urges the Secretary-General", in order to reflect concerns that the principle of equitable geographical distribution should be fully taken into account.

100. The CHAIRMAN noted that Albania, Azerbaijan, Cameroon, the Congo, Costa Rica, Egypt, Guyana, India, Italy, Kyrgyzstan, Liberia, Mali, Malta, Micronesia, the Niger, the Philippines, Uganda, the United Kingdom and the United Republic of Tanzania wished to join the sponsors.

101. Draft resolution A/C.3/51/L.19, as orally revised, was adopted.

AGENDA ITEM 106: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/51/L.31)

Draft resolution A/C.3/51/L.31 on the girl child

102. Mr. ANDJABA (Namibia), introducing the draft resolution on behalf of the sponsors, including the countries of the Southern African Development Community (SADC), said that the sponsors, in formulating the draft resolution, had taken as their basis the 12 critical areas of concern identified in the Beijing Declaration and Platform for Action of the Fourth World Conference on Women. In the draft resolution, Governments, United Nations agencies and non-governmental organizations were called upon to remove the barriers to the full development of the girl child.

103. In the sixth preambular paragraph, the word "incest," should be inserted before the words "early marriage". In paragraph 8, the word "parties" should be inserted after the word "States". Paragraph 9 should read:

"9. Further urges States to implement measures to protect women and girls from all forms of violence in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women;".

104. The sponsors had been joined by Algeria, Antigua and Barbuda, Australia, the Bahamas, Belgium, Bhutan, Bolivia, Brazil, Burkina Faso, Cameroon, Congo, Equatorial Guinea, Fiji, France, Georgia, Guinea, Guyana, India, Japan, Kyrgyzstan, Malaysia, Mali, Mauritania, Mongolia, Peru, Seychelles, Thailand, the United Kingdom and Viet Nam. Djibouti had withdrawn from the list of sponsors. He trusted that, as in the past, the draft resolution would be adopted by consensus.

AGENDA ITEM 107: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/C.3/51/L.30)

Draft resolution A/C.3/51/L.30 on the International Decade of the World's Indigenous People

105. The CHAIRMAN said that the draft resolution had no programme budget implications.

106. Ms. NEWELL (Secretary of the Committee) read out a series of revisions made at the time of the introduction of the draft resolution.

107. Mr. LANGMAN (Australia), speaking on behalf of the sponsors, said that, in paragraph 5, the words "United Nations declaration on the rights of indigenous peoples" should be placed within quotation marks.

108. The sponsors had been joined by the Congo, Kyrgyzstan, the Netherlands and the Philippines.

109. Mr. HUSHEK (United States of America) said he took it that the use of the words "consideration" and "consider" in paragraphs 8 and 9 respectively, with regard to the possible establishment of a permanent forum for indigenous people within the United Nations system, was intended to underline the fact that the Committee did not seek to prejudge the utility of such a forum. His delegation was prepared to join the consensus on that understanding.

110. Draft resolution A/C.3/51/L.30, as orally revised, was adopted.

111. Mr. USUI (Japan) said that, with regard to the sixth preambular paragraph and paragraph 15 concerning the United Nations Voluntary Fund for Indigenous Populations, Japan, as a nation which had contributed to the Fund every year since 1992, maintained the position it had adopted during the consideration of General Assembly resolution 50/156 on the Fund.

112. The CHAIRMAN announced that the Committee had thus concluded its consideration of agenda item 107.

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/C.3/51/L.25)

Draft resolution A/C.3/51/L.25 on the right of the Palestinian people to self-determination

113. The CHAIRMAN said that the draft resolution had no programme budget implications, and that the sponsors had been joined by Andorra, Japan, Kyrgzstan, the Lao People's Democratic Republic and the Niger.

114. Mr. MATNAI (Israel), speaking in explanation of vote before the vote, said that in spite of the title of draft resolution A/C.3/51/L.25, the issue in question was not one of self-determination. At issue was the commitment to the agreements signed by Israel and the Palestine Liberation Organization (PLO) and the essential principles underlying the peace process. Israel had long advocated the principle of direct negotiations without preconditions as the only framework for advancing peace in the Middle East. That principle had formed the basis of the peace process begun in Madrid. Within that framework, Israel and its Arab neighbours had embarked on ongoing bilateral negotiations, Israel and the PLO had signed the Declaration of Principles, and Israel and Jordan had signed a peace treaty. His country looked forward to progress with other parties to the peace process. In the Declaration of Principles, Israel and the PLO had agreed that issues relating to permanent status would be negotiated by the parties themselves at a later stage.

115. Unfortunately, draft resolution A/C.3/51/L.25 was intended to predetermine the outcome of the permanent-status talks and thus ran counter to the obligations undertaken by the PLO in the Declaration of Principles. Support for the draft resolution contradicted the principle of direct negotiations without preconditions, which was the agreed basis of the ongoing peace process. Since the draft resolution called into question the inviolability of the peace process and the agreements which it had produced, Israel would vote against it and urged all Member States that supported the peace process to do the same. His country welcomed the historic progress achieved thus far and looked forward to further steps towards comprehensive peace in the region. Israel remained committed to the peace process and would make every effort to bring it to a successful conclusion. He called upon all parties to the negotiations to do the same.

116. Mr. KEANE (United States of America) said his country was committed to achieving a just, lasting and comprehensive peace in the Middle East through the negotiation process begun in Madrid. That process had resulted in significant progress, including major agreements between Israel and the Palestinians. The international community should do all in its power to support that process, including providing support for the Palestinians as they built new institutions and a better life. Under the Declaration of Principles the parties to the negotiations had agreed that permanent-status issues should be covered at a later stage in the negotiating process and recognized that some issues were complex and sensitive and required an interim period before they could be dealt with. Since the parties had already agreed to that approach, he did not feel the United Nations should take a position on an issue supported by one party to the negotiations but opposed by the other. The parties themselves should discuss and resolve the permanent-status issues. The international community should promote negotiations, but should not cause controversy by taking

positions. Consequently, his delegation would vote against the draft resolution.

117. A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Estonia, Fiji, Georgia, Latvia, Lithuania, Marshall Islands, Micronesia (Federated States of), Norway, Republic of Moldova, Uzbekistan.

118. Draft resolution A/C.3/51/L.25 was adopted by 138 votes to 2, with 11 abstentions.

119. Mr. MEKDAD (Syrian Arab Republic) said that his delegation welcomed the adoption of the draft resolution by a large majority of Member States, demonstrating the resolve of the international community to end the sufferings of the Palestinian people. His delegation's vote in favour of the draft resolution reflected its continued support for the just struggle of the Palestinian people and its desire that the negotiations begun in Madrid should lead to a comprehensive and lasting settlement based on the principle of land for peace and on the relevant Security Council resolutions. With regard to the fourth preambular paragraph, which referred to the developments in the Middle East peace process, his delegation maintained that it was the Israeli side which had impeded further progress by failing to implement the commitments it had

undertaken. His delegation wished to express its reservations regarding the fifth preambular paragraph, which did not adequately reflect Security Council resolution 242 (1967). In particular, there was no reaffirmation of the demand, based upon the principle of the inadmissibility of the annexation of land by force, that Israel should withdraw from all the occupied territories.

120. Mr. REZVANI (Islamic Republic of Iran) said that his delegation, which had voted in favour of the draft resolution, wished to register its reservations regarding the fourth preambular paragraph. The agreements referred to therein would not, in its view, enable the Palestinian people to realize their inalienable rights.

121. Mr. WILLE (Norway) said that, while his delegation recognized the right of the Palestinian people to self-determination, it had abstained in the voting since it was convinced that the final settlement reached in the Middle East should be arrived at through negotiations between the Palestine Liberation Organization and the Israeli Government, in accordance with the Declaration of Principles. The Committee must not seek to determine the outcome of the peace process.

122. Mr. GARCÍA-MORITÁN (Argentina) said that his delegation had abstained since it wished neither to influence nor undermine the progress of the negotiations.

123. Mrs. BARGHOUTI (Observer for Palestine) expressed her delegation's gratitude to the Member States which had sponsored or voted for the draft resolution. Since the right of the Palestinian people to self-determination was enshrined in numerous international instruments, its recognition by the Committee could in no way jeopardize or prejudge the outcome of the peace process.

The meeting rose at 6.05 p.m.